



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

TA-1196-2024 (O&M)
Date of Decision: November 04, 2025

Neeru
...Applicant

Versus

Satyajeet
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Sitanshu Sharma, Advocate
for the applicant.

Mr.Ashish Rani, Advocate
for the respondent.

ARCHANA PURI, J.

Applicant-wife has filed the present application for seeking transfer of the petition under Section 13(1) (ia) of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-407-2024, titled ‘Satyajeet vs. Neeru’, pending in the Family Court, Rohtak and she seeks transfer of the same to the Court of competent jurisdiction at Jind.

In pursuance of the notice issued, the respondent made appearance through counsel and filed the reply.

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the

applicant that the marriage between the parties to the lis had taken place on 17.01.2022, but no child was born from the said wedlock. On account of matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning and she is dependent upon her parental family. Even, the applicant has filed petition under Section 144 BNSS as well as petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Jind and the respondent is making appearance in both the cases. The distance between the two places is stated to be 75 kms.

On the other hand, learned counsel for the respondent, while making reference to the reply, resist the claim for transfer of the divorce petition. In fact, it is submitted that the respondent is serving in Indian Army and it shall also become difficult for him, in case the transfer application is allowed, as he is required to take leave.

On query, it is submitted that presently, the respondent is posted at Jammu & Kashmir.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Court lean towards the convenience of the wife, while adjudicating the transfer application, relating to the matrimonial dispute, but however, the same is not a thumb rule. Various other circumstances, also ought to be taken into consideration. The only mitigating circumstance, as submitted by learned counsel for the respondent is about the respondent serving in Indian Army and presently posted in the area of Jammu and Kashmir. Even if the divorce petition remains pending at Rohtak, still the respondent is required to take leave, in case his presence is required in the

Court.

Considering the same and also taking into consideration, the fact of other two litigation already pending in the Courts at Jind, which are pursued by the respondent and the applicant is not having any source of earning, the transfer application, as such, is hereby allowed and the petition under Section 13(1) (ia) of the Hindu Marriage Act, filed by respondent-husband, bearing No.DMC-407-2024, titled ‘Satyajeet vs. Neeru’, stands transferred from the Family Court, Rohtak, to the Court of competent jurisdiction at Jind. The requisite record of the aforesaid case be sent by the Family Court, Rohtak to the District and Sessions Judge, Jind.

Learned District and Sessions Judge, Jind shall assign the said petition to the Family Court, Jind. Even, the parties are directed to appear before the Family Court, Jind, within a period of one month from today onwards.

Considering the place of posting of the respondent, he always has an option to file an application for seeking permission to make appearance through virtual mode, as and when his presence is required. Upon filing of any such application, the Court concerned shall pass an appropriate order, in the fitness of the circumstances.

November 04, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No